

MINUTES
PLANNING COMMISSION
JUNE 14, 2011 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Pritchard, Roper, Steinfeld,
Alternate members present: Fitzgerald, Zod
Absent: Sherrard, Munn, Kane
Staff present: Murphy (7:25), Davis, Glemboski, Doolittle

Acting Chairman Pritchard called the meeting to order at 7:01 p.m. He sat Fitzgerald for Munn, Zod for Sherrard and appointed Roper as Acting Secretary.

II. APPROVAL OF THE MINUTES OF meeting of May 19, 2011 & May 24, 2011.

MOTION: To approve the minutes of May 19, 2011 as amended.

Motion made by Steinfeld, seconded by Roper. Motion passed unanimously.

MOTION: To approve the minutes of May 24, 2011 as amended.

Motion made by Roper, seconded by Steinfeld. Motion passed unanimously.

III. PUBLIC COMMUNICATIONS - none

IV. SUBDIVISIONS - none

V. SITE PLANS

1. LBI, 973 North Road – Action required

Pat Lafayette, of Development Solutions, representing the Applicant, addressed the Commission detailing the site and the proposed new commercial industrial building. He discussed the modifications and waiver that they are requesting for the internal sidewalks and the phased parking. He discussed the WRPD zone requirements for the existing site and the new site. This included a lengthy discussion of the water quality basin. Mr. Lafayette and the Commission discussed lighting and the residential boundaries that are of concern to Staff. Mr. Lafayette stated that hazardous materials are kept on site. He noted the various types of materials that are stored outside of the building for the existing site. He pointed out that the new building site plan does not include any outside storage.

Staff commented on the Stormwater Management Plan and noted that a Wetlands permit has already been obtained. Staff discussed the photometric plan that they will review once it becomes available. Exterior storage of hazardous materials is not permitted in the WRPD zone, therefore any areas where hazardous materials are used or stored shall be covered. Also, the 80'X200' outdoor storage area for other items shall be paved.

The Commission and Staff discussed the phased parking and how it will be enforced. The Commission raised concerns over the lighting but felt that this

item could be addressed by Staff as a technical item. The Commission proposed completing the sidewalk from the Route 117 sidewalk to the front parking area of the new building; the Applicant had no objections to this suggestion. Commissioner Roper suggested adding a bike rack to the site. The Commission and Mr. Lafayette discussed trash and recyclable containers, the front yard buffer and the WRPD zone requirements regarding outdoor storage. The Applicant noted that the three lots will be combined as part of this site plan approval.

MOTION: To approve a waiver to Section 7.5-4 of the Zoning Regulations and to not require an internal sidewalk connection between the frontage sidewalk and building based on Section 7.5-5.C. of the Zoning Regulations and the following findings:

1. The Commission finds that there will be no significant pedestrian movement to the site or between this site and those adjacent to it.
2. The Commission finds that the presence of wetlands on the south side of the driveway and the water quality basin on the north side of the driveway limits the ability to install an internal sidewalk to the new building.

Motion made by Pritchard, seconded by Steinfeld. Motion failed, 1-4-0.

MOTION: To approve the LBI Commercial Park, 973 North Road, with the following modifications:

1. The 80'x200' storage area shown between the existing buildings shall be paved to avoid any infiltration of potential pollutants to the groundwater beneath this site.
2. A final photometric plan with light fixtures shall be submitted prior to filing the plans on the land records. The plan shall document that light does not spill onto adjacent properties or into the state right-of-way. This plan shall be approved by OPDS.
3. The outdoor storage area for the business located in the south end of the easternmost existing building shall be removed from the site and from the plans.
4. A note shall be placed on the plan that requires 26 parking spaces to be built within 6 months if determined by the Zoning Official that the need exists for these spaces.

5. A lip shall be installed at all doors to the proposed building to provide 110% containment of any stored hazardous materials.
6. Technical items as raised by staff shall be addressed.

The Planning Commission finds that the phasing of 26 of the required parking spaces is consistent with Section 7.2-16 of the Zoning Regulations and a note will be placed on the plan that requires the spaces to be built within 6 months if determined by the Zoning Official that the need exists for these spaces.

Motion made by Pritchard, seconded by Roper. Motion passed unanimously.

2. New England Cycle Works, 661 Gold Star Highway – Action required

Ellen Bartlett, CLA Engineers, representing the Applicant, addressed the Commission detailing the site and the proposed expansion of New England Cycle Works into the existing buildings. The expansion would be for retail and office space only; service and parts department would stay in their present location. A special permit and wetlands approval has been granted. Ms. Bartlett discussed the waivers that the Applicant is requesting. She discussed the stormwater related improvements including catch basins, oil separator, vegetative swale and curbing. She also noted that Groton Utilities is the co-applicant and that they are very enthused about this application. She discussed display areas, parking, sidewalk connections, landscaping and buffers.

The Commission questioned if there would be any increase in the footprint of the building and where hazardous materials will be stored. The Commission suggested leaving a portion of the eliminated entrance on Buddington Road as a sidewalk. The Commission and Staff discussed parking spaces and requirements in the WRPD zone.

MOTION: To approve a waiver, for New England Cycle Works, 661 Gold Star Highway, to Section 7.5-4 of the Zoning Regulations and to not require an internal sidewalk connection between the frontage sidewalk and the building based on Section 7.5-5.C. of the Zoning Regulations and the following finding:

1. The Commission finds that there will be no significant pedestrian movement to the site or between this site and those adjacent to it.

Motion made by Pritchard, seconded by Steinford. Motion passed 3-2-0. With Zod and Roper opposing. Commissioner Roper felt that the interior sidewalk would be beneficial to the public.

MOTION: To approve a waiver, for New England Cycle Works, 661 Gold Star Highway, to Section 6.12-4.C of the Zoning Regulations and to not require a 50-ft buffer between a watercourse and the directly adjacent streambelt wetlands and the developed land area based on the following findings:

1. The Commission finds that there is no site development proposed within the 50-ft buffer with the exception of the new stormwater quality measures, including the gravel wetlands system. These systems will bring the site into greater conformity with the requirements of the Water Resource Protection District and enhance the quality of the adjacent watercourse.
2. The Commission finds that all stormwater quality systems and design locations have been fully approved by the IWA permit, the Special Permit, and Groton Utilities.

Motion made by Pritchard, seconded by Roper. Motion passed unanimously.

MOTION: To approve the New England Cycle Site Plan, 661 Gold Star Highway, with the following modifications:

1. A note shall be placed on the final plans stating that no maintenance, fluid changes, washing, or repair work of vehicles or equipment, shall be conducted outside.
2. A lip, to provide 110% containment of any hazardous materials, shall be installed at all doorways at the basement of Building A and any other areas onsite where hazardous materials are used or stored.
3. Tech items as raised by staff shall be addressed.

The Planning Commission notes that a request for a modification of Section 7.4-3 to not require a 5-ft wide landscape strip in front of Building A meets the intent of Section 7.4-3 of the Zoning Regulations. The existing site design includes a landscape planter for a portion of the building frontage and an existing sidewalk for the remainder of the building that is needed for safe access to the doorways.

The Planning Commission notes that a 25-ft buffer abutting a residential district is not required in accordance with Section 7.4-4 of the Zoning Regulations due to the existing ownership and utility uses of the adjacent properties to the south and east.

Motion made by Pritchard, seconded by Roper. Motion passed unanimously.

The Commission took a recess and reconvened at 9:06pm.

3. 85th Day Restaurant, 13 Water Street (CAM) – Request for extension or action required

Gregg Fedus, Fedus Engineering, representing the Applicant, addressed the Commission detailing the site and the proposed restaurant and additions including the outdoor seating, handicap access, storage and trash. He discussed the waivers that he is requesting regarding landscaping and parking. He noted that they will be leasing parking spaces and participating in the Downtown Mystic Parking Validation Program with the Mystic Arts Center. They are also leasing an offsite parking lot which will be available after 5:30pm Monday-Friday and all day Saturday and Sunday but it is located 900 ft away from the site. Ledge Light Health District, Department of Transportation and Historic District Commission approval have all been obtained. Mr. Fedus discussed the architectural plans for the site and the CAM aspect of this application.

Staff noted that every agency has signed off on the application. Staff gave the Commission a brief background of the site and the considerable process the Applicant has taken to get to this point and to try and obtain additional parking spaces for the use.

The Commission and Mr. Fedus discussed the outdoor seating, minimizing flare for the light fixtures, trash and recyclables, employee parking, repair of the sidewalk relating to the Mystic Streetscape Project and the demolition of the ledge.

MOTION: To approve a waiver, for 85th Day Restaurant, 13 Water Street, to Section 7.2-3 for off-street parking requirements in accordance with Section 6.3-4.H. and Section 7.2-5(A) of the Zoning Regulations based on the following:

1. The applicant shall continually rent a minimum of 4 spaces at the Mystic Art Center.
2. The applicant shall continually participate in the Mystic Art's Center's sponsored parking validation program.
3. The applicant shall continue to provide both verbal and signage information informing customers of all parking options.

Motion made by Pritchard, seconded by Roper. Motion passed unanimously.

MOTION: To approve a site plan for 85th Day Restaurant, 13 Water Street, with the following modifications:

1. The following notes shall be added to the final plans
 - a) The 4 stalls to be leased at the Mystic Art Center property shall be required as an ongoing obligation for a minimum of 10 years from the date of Certificate of Occupancy of the building, and shall be exclusive of, and in addition to any other stalls leased by the applicant, his successors and/or assigns, at this location, or at any other location. Evidence of the

initial lease shall be provided prior to the issuance of a Certificate of Occupancy for the building and shall also be provided in writing at any time upon request of the Director of Planning and Development or his assigned agent.

- b) The owner, his successors and/or assigns shall continue to participate in the Downtown Mystic Validation Program with the Mystic Art Center as long as the site is occupied.
- c) Signs shall be placed in the front window and at the hostess station to notify customers of participation in the Validation Program and to direct customers to the offsite leased parking lot.

2. All staff technical items shall be addressed.

The Planning Commission notes that the proposed site design incorporates 2 decorative paver patios in the front of the building and a rain garden to the side to help mitigate storm water on the site. The design incorporates ivy along the front patio wall, decorative trees on the patio and along both sides of the entryway, and meets the intent of the frontage landscape requirements of Section 7.4-5 of the Zoning Regulations and the Waterfront Design District.

The Planning Commission notes that the applicant has agreed to lease additional parking within 1000 feet of the site and to review additional options for parking as they become available near the site.

Motion made by Pritchard, seconded by Roper. Motion passed unanimously.

MOTION: To approve the Coastal Site Plan for 85th Day Restaurant because it is consistent with all applicable coastal policies and includes all reasonable measures to mitigate adverse impacts on coastal resources.

Motion made by Pritchard, seconded by Roper. Motion passed unanimously.

4. Tilcon Exhaust Chimney, 185 South Road (CAM)

Clint Brown, DiCesare-Bentley Engineers, representing the Applicant, addressed the Commission detailing the plans to replace the exhaust chimney at the asphalt facility. He stated that an additional 100 feet of stack will be added to the chimney height. The FAA has given approval as long as the stack is illuminated and painted in accordance with FAA regulations. The Zoning Commission has also approved the height modification. Mr. Brown discussed the CAM aspect of this application and asked for a sidewalk waiver.

MOTION: To approve a waiver, for Tilcon Exhaust Chimney, 185 South Road, of section 7.5-5 C requiring a pedestrian sidewalk along South Road, based on the following findings:

The commission finds that the installation of a pedestrian walk along South Road is not necessary at this time, based on the potential impact to area resources, the current lack of pedestrian activity, the general industrial nature of the area and impediments to installation, including grades within the right of way, the railroad and other factors.

Motion made by Pritchard, seconded by Steinfeld. Motion passed unanimously.

MOTION: To approve Site Plan and Coastal Site Plan application #11-06 of Tilcon Inc. to construct a 139 foot high emissions exhaust chimney and related site improvements at 185 South Road.

The commission finds that the proposed activity is consistent with all applicable goals and policies of section 22a-92 of the general statutes and incorporates as conditions or modifications all reasonable measures which would mitigate any potential adverse impacts on coastal resources and future water-dependent development activities.

Motion made by Pritchard, seconded by Roper. Motion passed unanimously.

VI. OLD BUSINESS

1. Land Use Regulation Update Project - none
2. Referrals from Stonington
 - a. Zoning Text Amendment – Applicant/Town’s Conservation Commission - Public Hearing 6/21/11

The Commission had no comment.

- b. Zoning Text Amendment – Applicant Mason’s Island Landing, LLC. - Public Hearing 6/21/11

The Commission had no comment.

3. Referral from Noank
 - a. Zoning Text Amendments as to Flood Regulations – Public Hearing 6/21/11

Staff noted the packet of information handed out tonight. The Commission endorsed Staff’s comments to the Noank Zoning Commission.

4. Referrals from the State DEP
 - a. OLISP, Referral of Proposed Dock Application, 1008 Groton Long Point Road (GLP) Comments due to DEP by 6/18/11

The Commission had to comment.

VII. NEW BUSINESS

1. Report of Commission

Commissioner Steinfeld noted that the Noank School Reuse Committee did not meet this month.

Commissioner Roper noted that the Mystic Community Bikes held a raffle this past weekend. He also noted that the Mystic Community Task Force will be meeting on Monday at the Town Hall Annex.

Commission Steinfeld questioned the Hoelck property (388 Long Hill Road) and the work that is happening on the site.

2. New Applications - none

3. Referrals from the State DEP - UConn Avery Point discharge elimination system permit

The Commission had no comment

VIII. REPORT OF CHAIRMAN - none

IX. REPORT OF STAFF

The Zoning Commission adopted new flood regulations that will be effective July 1, 2011.

New flood zones are being evaluated for the coast and should be effective within the next 12-18 months.

Staff updated the Commission on the Mystic Streetscape Project.

Police Chief Kelly Fogg and Parks & Rec Director John Silsby are retiring this month.

Staff updated the Commission on the Grove Ave Subdivision tax appeal and foreclosure. The town has received a check but the case is not finished.

X. ADJOURNMENT

Motion to adjourn at 10:54 p.m. made by Roper, seconded by Steinfeld, so voted unanimously.

Peter Roper, Acting Secretary
Planning Commission

Prepared by Katie Doolittle
Office Assistant II